

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

METRO ENERGY GROUP, INC.,

Plaintiff,

v.

Case No. 09-CV-146-KEW

**PINON ENERGY, L.L.C.,
DAVID TAYLOR, Trustee for the
benefit of GASROCK CAPITAL, LLC,
GASROCK CAPITAL, LLC, and
ANDY LENK, Trustee for the benefit of
DK ACQUISITION PARTNERS, L.P.,
and VARDE INVESTMENT
PARTNERS, L.P.,**

Defendants.

GASROCK CAPITAL, LLC,

Third-Party Plaintiff,

v.

**PINON ENERGY, L.L.C. and
WATTLE ENERGY CORPORATION,**

Third-Party Defendants.

RESPONSE TO MOTION TO REMAND

Defendants David Taylor, Trustee for the benefit of GasRock Capital, LLC, GasRock Capital LLC, Andy Lenk, Trustee for the benefit of DK Acquisition Partners, L.P. and Varde Investment Partners, L.P. (“Responding Defendants”), respond to Plaintiff’s Motion to Remand as follows:

1. GasRock Capital, LLC, was served on March 16, 2009.

2. At the time the Removal Petition was filed on April 15, 2009, counsel for Responding Defendants was unaware that any of the Responding Defendants had be served prior to March 16, 2009.

3. Having reviewed the returns of service attached to the Motion to Remand, it appears that the removal was untimely and the case should be remanded.

WHEREFORE, Responding Defendants confess Plaintiffs Motion to Remand.

Respectfully submitted,

/s/ John N. Hermes

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**ATTORNEYS FOR DEFENDANTS
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GASROCK CAPITAL, L.L.C.;
ANDY LENK, TRUSTEE FOR DK
ACQUISITION PARTNERS, L.P.;
VARDE INVESTMENT PARTNERS, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2009, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to any ECF registrants for this case:

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I also hereby certify that on this 15th day of May, 2009, I served the attached document by mailing same, postage prepaid, to the following, who are not registered participants of the ECF System:

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/s/John N. Hermes
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